



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Michael P. Tierney
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MAILED**MAR 26 2002**

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: Bries et al.
Serial No.: 08/989,507
Filed: 12/12/97
For: Removable adhesive tape laminate
and separable fastener

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 104,833.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).


MICHAEL P. TIERNEY
Administrative Patent Judge

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 1

Filed by: Michael P. Tierney
Administrative Patent Judge
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
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Filed
March 26, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

HANS HAZES
Junior Party
(U.S. Patent 6,086,973),

v.

JAMES L. BRIES and **MICHAEL D. HAMERSKI**
Senior Party,
(U.S. Application 08/989,507).

Patent Interference No. 104,833

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge Michael P. Tierney has been designated to handle the interference. 37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for taking action in the interference is scheduled for **10:30 a.m. on May 22, 2002** (the call will be initiated from the PTO). *During the conference call the parties may be invited to participate in the electronic filing pilot program.* See generally, *University of New Mexico v. Fordham University*, Interference No. 104,761, (Paper No. 21) at <http://www.uspto.gov/web/offices/dcom/bpai/its.htm>.

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. The parties involved in this interference are:

Junior Party

Named inventors: Hans Hazes, Amsterdam Netherlands

Patent : U.S. Patent No. 6,086,973, issued July 11, 2000 based on U.S.
Application 09/098,480, filed June 16, 1998

Title: Adhesive Film Strip Composite and its Use

Assignee: Beiersdorf AG

Accorded Benefit: None

Attorneys: See last page

Address: See last page

Senior Party

Named inventors: James L. Bries, MN
Michael D. Hamerski, WI

Application : U.S. Application No. 08/989,507, filed December 12, 1997

Title: Removable Adhesive Tape Laminate and Separable Fastener

Assignee: Minnesota Mining and Manufacturing Company

Accorded Benefit: None

Attorneys: See last page

Address: See last page

Part F. Count and claims of the parties

Count 1

A composite according to claim 1 of U.S. Patent No. 6,086,973.

Count 2

A method according to claim 11 of U.S. Patent No. 6,086,973.

The claims of the parties are:

Hazes, U.S. Patent 6,086,973:	1-13
Bries, U.S. Application 08/989,507:	68-81

The claims of the parties which correspond to Count 2 are:

Hazes, U.S. Patent 6,086,973:	11-13
Bries, U.S. Application 08/989,507:	78-81

The claims of the parties which **do not** correspond to Count 2 are:

Hazes, U.S. Patent 6,086,973:	1-10
Bries, U.S. Application 08/989,507:	68-77

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference. See § 18 of the
STANDING ORDER.

Filed on behalf of [name of party]

Paper ____¹

By: Name of lead counsel, Esq.
Name of backup counsel, Esq.
Street address
City, State, and Zip-Code
Tel:
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

HANS HAZES
Junior Party
(U.S. Patent 6,086,973),

v.

JAMES L. **BRIES** and MICHAEL D. HAMERSKI
Senior Party,
(U.S. Application 08/989,507).

Patent Interference No. 104,833 (MPT)

TITLE OF PAPER

¹ Leave a blank line because the board assigns the paper number.

Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

1. § 7: date for identifying lead and backup counsel.
2. § 8: date for identifying any real party in interest.
3. § 9: date for requesting copies of involved and benefit applications and patents.
4. § 17: date for filing list of proposed preliminary motions.
5. § 19: date for accomplishing certain discovery.
6. § 20: date for filing clean copy of claims.
7. § 21: date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
8. § 23: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
9. § 33: date for objecting to admissibility of evidence.
10. § 34: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
11. § 35: dates when cross-examination can take place.
12. § 45: dates for taking action with respect to settlement discussions

Part I. Order form for requesting file copies

FILE COPY REQUEST

Interference 104,833

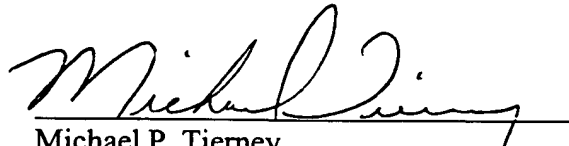
A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPO Deposit Account No. _____
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Part J. Signature of administrative patent judge


Michael P. Tierney
Administrative Patent Judge

Date: 3/26/02
Arlington, VA

Enc:²

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference

Copy of claims 68-81 from U.S. Application 08/989,507.

Copy of U.S. Patent 6,086,973.

²No Rule 690(b) or Form PTO-850 is enclosed.

cc (via Federal Express):

Attorney for HAZES:

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INTERFERENCE INITIAL MEMORANDUM

Count # 1

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following parties—

104833

PARTY <u>HAZES</u>	APPLICATION NO. <u>09/098,480</u>	FILING DATE <u>06/16/1998</u>	PATENT NO., IF ANY <u>6,086,973</u>	ISSUE DATE, IF ANY <u>07/11/2000</u>
If the involved case is a patent, have its maintenance fees been paid? Yes <u> </u> No <u> </u> Not due yet <u>X</u>				
Proposed priority benefit (list all intervening applications necessary for continuity):				
COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
The claim(s) of this party corresponding to this count: <u>1-13</u>				
PATENTED OR PATENTABLE PENDING CLAIMS <u>1-13</u>			UNPATENTABLE PENDING CLAIMS	
The claim(s) of this party NOT corresponding to this count: <u>NONE</u>				
PATENTED OR PATENTABLE PENDING CLAIMS <u>NONE</u>			UNPATENTABLE PENDING CLAIMS	
PARTY <u>BRIES ETAL.</u>	APPLICATION NO. <u>08/989,507</u>	FILING DATE <u>CPA: 07/07/2000</u>	PATENT NO., IF ANY	ISSUE DATE, IF ANY
If the involved case is a patent, have its maintenance fees been paid? Yes <u> </u> No <u> </u> Not due yet <u> </u>				
Proposed priority benefit (list all intervening applications necessary for continuity):				
COUNTRY <u>USA</u>	APPLICATION NO. <u>08/989,507</u>	FILING DATE <u>12/12/1997</u>	PATENT NO., IF ANY	ISSUE DATE, IF ANY
The claim(s) of this party corresponding to this count: <u>68-81</u>				
PATENTED OR PATENTABLE PENDING CLAIMS <u>68-81</u>			UNPATENTABLE PENDING CLAIMS	
The claim(s) of this party NOT corresponding to this count: <u>NONE</u>				
PATENTED OR PATENTABLE PENDING CLAIMS <u>NONE</u>			UNPATENTABLE PENDING CLAIMS	
(Check off each step, if applicable) INSTRUCTIONS				
<input checked="" type="checkbox"/> 1. Obtain all files listed above. <input checked="" type="checkbox"/> 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970). <input checked="" type="checkbox"/> 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b). <input checked="" type="checkbox"/> 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)). <input checked="" type="checkbox"/> 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.				
DATE <u>12-11-01</u>	PRIMARY EXAMINER (signature) <u>Almad (NASSER AHMAD)</u>		ART UNIT <u>1772</u>	TELEPHONE NO. <u>703-308-4424</u>
DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)			TELEPHONE NO.

Application. No : 08/989,507
Examiner : Nasser Ahmad
Art Unit : 1772

INTERFERENCE COUNT

Claims 1-13 of US Patent 6,086,973 .

OR

Claims 68-81 of application 08/989,507.